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6 Attorney for Leviathan Michael Woodley  
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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 LEVIATHAN MICHAEL WOODLEY,

14 Defendant.  
15

Case No. 2:21-mj-00950-DJA

**ORDER TO CONTINUE**  
**BENCH TRIAL**  
(Third Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and Between Jason M. Frierson,  
17 United States Attorney, and Christopher Burton, Assistant United States Attorney, counsel for  
18 the United States of America, and Rene L. Valladares, Federal Public Defender, and Navid  
19 Afshar, Assistant Federal Public Defender, counsel for Leviathan Michael Woodley, that the  
20 bench trial currently scheduled on November 23, 2022, be vacated and continued to a date and  
21 time convenient to the Court, but no sooner than thirty (30) days.

22 This Stipulation is entered into for the following reasons:

- 23 1. Counsel for the defendant needs additional time to conduct investigation in this  
24 case in order to determine whether there are any pretrial issues that must be  
25 litigated and whether the case will ultimately go to trial or will be resolved  
26 through negotiations.

1           2.     Counsel for Government is new to case.  
2           3.     The defendant is not incarcerated and does not object to the continuance.  
3           3.     Additionally, denial of this request for continuance could result in a  
4 miscarriage of justice. The additional time requested by this Stipulation is excludable in  
5 computing the time within which the trial herein must commence pursuant to the Speedy Trial  
6 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title  
7 18, United States Code § 3161(h)(7)(B)(iv).

8           This is the third request for a continuance of the bench  
9 trial. DATED this 22<sup>nd</sup> day of November, 2022.

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11       RENE L. VALLADARES  
12       Federal Public Defender

          JASON M. FRIERSON  
          United States Attorney

13       By /s/ Navid Afshar  
14       NAVID AFSHAR  
15       Assistant Federal Public Defender

          By /s/ Christopher Burton  
          CHRISTOPHER BURTON  
          Assistant United States Attorney

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEVIATHAN MICHAEL WOODLEY,

Defendant.

Case No. 2:21-mj-00950-DJA

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. Counsel for Government is new to case.

3. The defendant is not incarcerated and does not object to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the third request for a continuance of the bench trial.

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

**ORDER**

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, November 23, 2022, at 9:00 a.m., be vacated and continued to February 1, 2023, at 9:00 a.m., Courtroom 3A.

DATED this 22nd \_\_\_\_\_ day of November, 2022.



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DANIEL J. ALBREGTS  
United States Magistrate Judge